

BOSTON REDEVELOPMENT AUTHORITY

REPORT AND DECISION ON THE APPLICATION OF EAST BOSTON COMMUNITY ASSOCIATES FOR APPROVAL OF A REDEVELOPMENT PROJECT PURSUANT TO CHAPTER 121A OF THE MASSACHUSETTS GENERAL LAWS.

A. The Hearing. A public hearing was held at 2:00 P. M. on September 12, 1974, in the offices of the Boston Redevelopment Authority, (hereinafter called the "Authority"), at the New City Hall, Room 921, Boston, Massachusetts, by the Authority on an Application, (hereinafter called the "Application"), filed by East Boston Community Associates, (hereinafter called the "Applicant"), for Authorization and Approval of a Redevelopment Project Under Chapter 121A of the General Laws of the Commonwealth of Massachusetts and Chapter 652 of the Acts of 1960, as amended, (hereinafter called the "Project"), due notice of said hearing having been given previously by publication on August 27, 1974 and September 3, 1974, in the Boston Herald American, a daily newspaper of general circulation published in Boston, and mailing postage prepaid in accordance with Rule 8 of the Rules and Regulations of the Authority for Securing the Approval of Chapter 121A Projects, and in accordance with the provisions of Section 13 of Chapter 652 of the Acts of 1960, as amended. Robert L. Farrell, Chairman of the Authority, and Joseph J. Walsh, James G. Colbert, Paul J. Burns and James K. Flaherty, members of the Authority, were present throughout the hearing.

B. The Project. The Project consists of the construction, operation and maintenance by the Limited Partnership under Chapter 121A of approximately 96 apartment units and appurtenant facilities on four (4) parcels of land in East Boston, located at 11 Seaver Street, 259 to 265 Meridian Street, 344 to 356A Meridian Street and 186 to 192 Cottage Street, containing approximately 35,720 square feet. The premises on which the Project is to be located are hereinafter referred to as the "Project Area". The land is presently owned by the Applicant except for 192 Cottage Street which is owned by the Authority. The Project is to be financed by the Massachusetts Housing Finance Agency.

The Applicant proposes to rehabilitate the following structures and facilities on the Project Area:

There is to be constructed approximately 96 units of low and moderate income housing and appurtenant facilities all in accordance with the terms of a proposed Contract between the Authority and the 121A Limited Partnership, a copy of which with the Attachments, is filed herewith as Exhibit 5. All pre-existing buildings have masonry exteriors and will continue to have wood interiors.

The Seaver Street site is the former Assumption Elementary School. Public transportation is available and a public elementary school and public park within 500 feet from the site. This presents an ideal location for family units and has been so designed.

The Meridian Street site consists of two attached buildings. This is one of the main streets with access to public transportation but not schools or play areas and will consist of one and two bedroom units.

The Masonic Temple Building site is a building offering a view of Boston Inner Harbor and sky-line and will consist of one and two bedroom units.

The Cottage Street site consists of four attached units with a public elementary school and playground within 500 feet and will consist of family units.

There will be landscaping on the Project and the makeup and design of the Project are fully shown on the Plans filed with the Application.

C. Authority Action. In passing upon the Application, the Authority has considered the Application itself, all Documents, Plans and Exhibits filed therewith or referred to therein, the oral evidence presented at the hearing, the Exhibits offered in evidence at the hearing and the arguments and statements made at the hearing. The members of the Authority have also viewed the Project Area.

The Project, as defined in the Application, constitutes a Project within the meaning of Section 1 of Chapter 121A of the General Laws, providing, as it does, for the construction, operation and maintenance of decent, sanitary and safe residential buildings and appurtenant facilities.

D. Blighted Open, Substandard and Decadent Area. The Project Area is a blighted open, substandard and decadent area within the definition contained in Section 1 of Chapter 121A in that the Area is detrimental to the safety, health, morale, welfare or sound growth of the community because it is improbable that the area

will be redeveloped by the ordinary operations of private enterprise without the assistance provided by said Chapter 121A by reason that the Project Area is characterized by the following:

- (a) all of the buildings now standing on each site of the Project Area are vacant, and in many instances have been vacant for several years.
- (b) all of the buildings are dilapidated, out of repair, physically deteriorated, unfit for human habitation, obsolete and/or in need of major maintenance and repair.
- (c) refuse, rubbish and debris has been dumped in and around the buildings.
- (d) the Project Area is itself, and also is within, an area where dwellings of overcrowded conditions, faulty arrangement, and lack of ventilation, light or sanitation facilities predominate.

These conditions warrant the carrying out of the Project in accordance with the legislative mandate contained in Chapter 121A of the General Laws and the Application constitutes a Project within the meaning of that law. The purposes of Chapter 121A and Chapter 652 of the Acts of 1960 will be met by this Project. The demand for decent, safe and sanitary housing for persons and for families at rentals below those which the conventional operations of the real estate market produces is a matter of common knowledge and intense in this area of the City. Construction of substantial and handsome structures will serve to alleviate this intense demand and will, in addition, encourage the conservation and improvement of an Area of a substantial number of dwellings

located adjacent to the Project Area. The Project will provide adequate financial return to the City of Boston. Exhibit 4 of the Application sets forth the amounts to be paid by Agreement to the City of Boston in addition to the excise tax prescribed by Section 10 of Chapter 121A. In summary, this Agreement provides that the Applicant will pay approximately 17% of the gross rents of the Project on account of taxes in each of the forty (40) calendar years next following the year 1974.

E. Cost of the Project. In the opinion of the Authority, the cost of the Project has been realistically estimated in the Application and the Project is practicable. The estimated cost is \$2,355,839.00. The Project is to be built under mortgage insurance and interest subsidy furnished by the Commonwealth of Massachusetts, Massachusetts Housing Finance Agency providing interest subsidies which produce an effective interest rate of approximately 6.5% for the construction loan and approximately 7% per annum for the permanent loan. Under Massachusetts Housing Finance Agency Regulations, an irrevocable mortgage commitment will not be issued until after completion of Working Drawings and Specifications. All funds which will be required in addition to those expected to be obtained from the Massachusetts Housing Finance Agency will be paid from other sources including capital contributions to East Boston Community Associates by the Partners therein. The Application contains a form of Partnership Agreement illustrating, in a general fashion, the organizational framework of the Partnership, called East Boston Community Associates,

Experience with similar financing and organizational methods persuades the Authority that the financial program is realistic.

F. Consistency with Master Plan. The Project is in conformity with the City of Boston Master Plan. The Project is located in the East Boston General Neighborhood Renewal Plan of the 1965/1975 General Plan for the City of Boston and the Regional Core, published by the Authority.

G. Effect of the Project. The Project will not be in any way detrimental to the best interests of the public or the City or to the public safety or convenience or be inconsistent with the most suitable development of the City. The Project will, in fact, forward the best interests of the City and will constitute a public use and benefit. The structures to be erected under the Project have been reviewed by the Design Review Staff of the Authority, and pursuant to the proposed Land Disposition Agreement, are subject to further Design Review. The Authority finds that they will enhance the general appearance of the Area and furnish attractive and necessary living accommodations. The location proposed is excellent for housing, having ready access to public transportation.

The carrying out of the Project will not in itself involve the displacement of any persons from their present dwellings.

The Project Area does not include land within any location approved by the State Department of Public Works for the extension of the Massachusetts Turnpike into the City of Boston.

H. Environmental Considerations. Conformably with the provisions of Section 62 of Chapter 30 of the General Laws (as inserted by

Chapter 781 of the Acts of 1972), and the Regulations thereunder as adopted by the Authority on April 11, 1974, the Authority has made an environmental examination which contains, among others, the following findings:

1. The Project does not adversely affect any recreational areas or any aesthetic values in the surrounding area.
2. No natural or man-made places are affected by the Project.
3. The Project affects no archeological structure or site.
4. The Project does not affect the potential use, extraction, or conservation of a scarce natural resource.
5. The Project Area is urban, and therefore, does not serve as a habitat for wild life.
6. Being urban, the Project has no impact on any wilderness areas.
7. The Project will require deviations from the Zoning Code of the City of Boston as further detailed herein, but not in such manner as will cause damage to the environment.
8. The Project does not require certification, authorization or issuance of a permit by any local, State or Federal environmental control agency. However, the Applicant has submitted an Environmental Impact Statement to the Massachusetts Housing Finance Agency, which must approve the Project.
9. The Project does not involve the disposal of potentially hazardous materials.
10. The Project does not involve the construction of facilities in a flood plain.

11. The Project, except necessarily during the construction phase, does not result in the generation of a significant amount of noise.

12. The Project does not result in a deleterious effect on the quality of any portion of the State's air or water resources.

13. The Project does not affect an area of important scenic value. The Project does affect an area with significant architectural attributes but is designed harmoniously with those attributes.

Therefore, the Authority concludes that the Project will not cause any environmental damage and, in its opinion, no further Reports need to be filed.

As a result of the investigation and Report of the Authority staff and of its own knowledge, the Authority hereby determines that the Project will not cause significant environmental damage and that the Secretary of the Authority be instructed to file such with said Executive Office of Environmental Affairs; its Report and finding in accordance with the Authority's Rules and Regulations.

I. Minimum Standards. The minimum standards for financing, construction, maintenance, and improvement of the Project, as set forth in Exhibit 6 filed with and attached to the Application, are hereby adopted and imposed as Rules and Regulations (in addition to those hereinafter adopted and imposed) applicable to this Project for the same period as the Project is subject to the provisions of Chapter 121A of the General Laws and Chapter 652 of the Acts of 1960, as amended.

In addition to the minimum standards set forth in Exhibit 6, the Authority hereby requires that the Applicant, prior to obtaining a building permit, (1) enter into a Regulatory Agreement with the Authority pursuant to the requirements of General Laws, Chapter 121A, Section 18C and containing such other terms and conditions as the Authority may in its discretion deem necessary and appropriate; (2) submit to the Authority for its review and approval such Plans and Specifications for the Project as the Authority may require, and accept such changes and modifications thereto as the Authority may deem necessary or appropriate; and (3) adhere to such Design Review Controls and Requirements as the Authority may in its discretion impose.

The carrying out of the Project will not require the erection, maintenance, and use of a garage within 500 feet of one or more buildings occupied in whole or in part as a public or private school having more than 50 pupils, or as a public or private hospital having more than 25 beds, or as a Church.

The Project does not involve the construction of units which constitute a single building under the Boston Building Code and Zoning Law.

J. Zoning Deviations. Exhibit 7 filed with and attached to the Application lists the Zoning Deviations. For the reasons set forth in the Application and supporting Documents, including said Exhibit 7, and on the basis of the evidence presented at the Hearing, and in this Report, the Authority finds that each and every one of the permissions hereinafter granted is reasonably

necessary for the carrying out of the total Project and may be granted without substantially derogating from the intent and purposes of the applicable Laws, Codes, Ordinances and Regulations, respectively.

The Zoning Deviations from which permission is sought, are attached.

Exhibit C

PERMISSIONS

The Applicant requests permission to deviate from certain provisions of the Boston Zoning Code and the Boston Building Code.

BOSTON ZONING CODE

Article 8	-	(i) Permission to convert dwelling structure for more families under use item #8. (ii) Permission to use all structures as multi-family dwellings under use item #7.
Article 9-1	-	Permission to structurally change pre-code non-conforming buildings, including the addition of more than 25% in volume or area and the expenditure of more than 50% of the physical value of such buildings.
Article 14-1	-	Permission to deviate from minimum lot area requirement for dwellings in an L-1 district; proposed condition to be the same as existing condition.
Article 14-2	-	Permission to deviate from minimum lot area requirement for additional dwelling units in an H-1 and L-1 district.
Article 14-3	-	Permission to deviate from minimum lot width requirement for dwellings in an L-1 district; proposed condition to be the same as existing condition.
Article 15	-	Permission to deviate from requirement limiting floor area ratio to 1.0 in an H-1 and L-1 district; proposed condition for such districts to be the same as existing condition. Permission to deviate from requirement limiting floor area ratio to 2.0 in an M-2 district; proposed condition of approximately 5.18 to replace existing condition of approximately 2.92.

- Article 17** - Permission to deviate from requirement of 400 square feet of usable open space per dwelling unit in an L-1 and H-1 district.
- Article 18** - Permission to deviate from requirement that front yard be 20 feet in an H-1 district and for dwellings in an L-1 district; proposed condition to be the same as existing condition.
- Article 19** - Permission to deviate from side yard requirements for dwellings in H-1, L-1 and M-2 districts; proposed condition to be the same as existing condition.
- Article 20** - Permission to deviate from rear yard requirements for dwellings in an H-1, L-1 and M-2 district; proposed condition to be the same as existing condition.
- Article 21** - Permission to deviate from minimum setback of parapet requirements for an H-1, L-1 and M-2 district; proposed condition to be the same as existing condition.
- Article 23** - Permission to deviate from all off-street parking requirements.

BOSTON BUILDING CODE

Section 221.0 - Table 2-1 - Fire Resistance Rating and General Height and Area Limitations - Permission to waive requirements for 2 hrs noncombustible construction for enclosure of exitways in buildings of four stories or more - deviation result of existing pre-code condition, rehabilitation will provide 1 hr. fire resistance rating using existing structure. A one hour fire resistance rating will be provided on the soffits of the stairwells and where wooden stairs presently exist, they will be painted with fire resistant paint.

Section 221.2 - Table 2-2 - General Height and Area Limitations - Permission to waive height limitations of 3 stories or 40 feet for buildings of type 3C construction; deviation result of existing pre-code conditions. A one hour fire resistance rating will be provided on all structural members of these buildings. Note: Section 221.2 applies to all buildings in the project.

Section 306.2 - Increase in height and area - permission to increase the height and area of an existing building using construction type 3B.

Section 518.1.1 - Minimum width of light court - permission to deviate from minimum width and length of light court required by formula 6" per one foot of height - deviation result of existing pre-code condition.

Section 51..2 - Area of light court - permission to deviate from minimum cross sectional area of court (required by formula 1 1/2 times the square of its required minimum width); deviation result of existing pre-code condition.

Section 518.4.1 - Inner court passage - permission to deviate from passage to street on yard by a horizontal passage of fire-resistive construction; deviation result of existing pre-code conditions.

Section 518.6 - Light court drainage - permission to deviate from drainage of bottom of court by means of approved disposal system; deviation result of existing pre-code conditions.

Section 618.3.2 - Vertical Rise - permission to waive requirement that no stairway shall have more than 15 risers between landings; deviation result of existing pre-code conditions.

Section 618.4.2 - Winders - permission to waive requirement that no winders shall be permitted in required exitway stairways; deviation result of existing pre-code conditions.

Section 618.9.3 - Combustible Construction - permission to waive requirement limiting use of combustible materials for required exitway stairways to buildings not over 3 stories or 40' in height provided the underside of the stairways shall be protected with a one hour rated material and that the wooden material on the stairway will be painted with fire retardant paint; deviations result of existing pre-code conditions.

Section 619.1 - Access to Roof - permission to waive requirement for access to roof in buildings more than 3 stories or 40' in height deviation result of existing pre-code conditions.

Section 624.0 - Fire Escapes - permission to use Class 1 new and existing fire escapes and connecting balconies; deviation result of existing pre-code conditions; plans will meet current egress requirements for existing buildings.

Section 907.8.1

Party walls extending four inches above roof - permission to deviate from requirement due to existing pre-code condition - permission to deviate from requirement to allow decking to extend over party wall due to existing condition.

Section 1213.1

Required sprinkler - permission to deviate from sprinkler requirement in basement below grade that cannot be ventilated by at least 35 sq. feet of openable area per 10,000 cubic feet of volume.

PROJECT AREA - (measurements, dimensions and calculations are approximate)

Cottage Street Site (H-1)

186, 188, 190, and 192 Cottage Street - Permission to deviate from zoning articles 8(1), 14-2(2), 15(3), 17(4), 18(5), 19(6), 20(7), 21(8) and 23; building code sections 221(9), 518.1.1(10), 517.4.1, 618.4.2(11), 618.9.3(12), 624(13) and 518.6

- (1) existing designation: none - 20 dwelling units proposed
- (2) additional lot area for additional dwelling units = 233 s.f.
- (3) existing f.a.r. = approximately 2.69
- (4) open space per unit = 169 s.f.
- (5) existing front yard = 0 ft.
- (6) existing side yard = 0 ft.
- (7) existing rear yard = 28 ft.
- (8) existing setback of parapet = 0
- (9) rehabilitation will provide 1 hr. fire resisting rating using existing structure
- (10) existing light court width - 15' 4"
- (11) existing winders at first floor to second floor
- (12) existing building height = 4 stories
- (13) existing fire balconies for second means of egress

Meridian Street Site (L-1)

263, 265 Meridian - Permission to deviate from zoning articles 8(1), 14-1(2), 14-2(3), 14-3(4), 15(5), 17(6), 18(7), 19(8), 20(9), 21(10), and 23; building code sections 221(11), 618.3.2(12), 618.4.2(13), 618.9.3(14), 619.1, 624(15), 907.8.1, 1213.1(16)

- (1) existing designation: none - 10 dwelling units proposed
- (2) existing lot size = 3782 s.f.
- (3) additional lot area for additional dwelling units = 0
- (4) existing lot width 45.68 ft.
- (5) existing f.a.r. = approximately 2.36
- (6) open space per unit = 119 s.f.
- (7) existing front yard = 0 ft.
- (8) existing side yard = 0 ft.
- (9) existing rear yard = 6 ft.
- (10) existing setback of parapet = 0
- (11) rehabilitation will provide 1 hr fire resisting rating using existing structure
- (12) existing risers between first and second fl = 18, existing risers between second and third = 16
- (13) existing winders all floors
- (14) existing buildings = 4 stories
- (15) new fire escape for second means of egress from 4th floor
- (16) existing basement not sprinkled

Masonic Building Site (M-2)

344 - 352 Meridian Street - Permission to deviate from zoning articles 8(1), 15(2), 19(3), 20(4), 21(5), and 23; building code sections 306.2(6), 1213.1

- (1) existing designation: masonic building function hall and offices used for light manufacturing - 54 dwelling units proposed
- (2) proposed f.a.r. = approximately 5.18
- (3) existing side yard = 0
- (4) existing rear yard = 0
- (5) min. setback of parapet = 0
- (6) proposed height of building = 6 stories

356 - 356A Meridian Street (M-2) - to be used as parking lot appurtenant to dwellings at 344 -352 Meridian Street

Assumption School Site (H-1)

11 Scaver Street - Permission to deviate from zoning articles 8(1), 14-2(2), 15(3), 17(4), 18(5), 19(6), 21(7), and 23; building code section 221(8)

- (1) existing designation: elementary school - 12 dwelling units proposed
- (2) minimum area for additional dwelling units = 681
- (3) existing f.a.r. = approximately 1.46
- (4) open space per dwelling unit = 119 s.f.
- (5) existing front yard = 0
- (6) existing side yard = 0
- (7) existing set back of parapet = 0
- (8) rehabilitation will provide 1 hr fire resistance rating using existing structure

The Authority hereby approves the following numbered deviations:

Cottage Street Site:

Numbers 1, 2, 3, 4, 5, 6, 7, 8, 10, and 11.

Meridian Street Site:

Numbers 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 12, and 13.

Masonic Building Site:

Numbers 1, 2, 3, 4, 5, and 6.

Assumption School Site:

Numbers 1, 2, 3, 4, 5, 6, 7, and 8.

The Authority hereby disapproves the following numbered deviations for the reasons of Fire protection:

Cottage Street Site:

Numbers 9, 12, and 13.

Meridian Street Site:

Numbers 11, 14, 15, and 16.

Masonic Building Site:

Disapprove deviation from Section 1213.1 that sets forth requirements for sprinklers.

